

### **Amendments to the Claims**

Please cancel claims 1 - 27 and add new claims 28 - 35.

#### **Listing of the Claims:**

Claims 1 - 27 (CANCELED)

28. (NEW) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:
- (a) a pre-formed, cone-shaped jacket with a base and an apex;
    - (i) said base defining an opening sized to receive a heart;
    - (ii) said cone-shape jacket being sized and adapted to constrain cardiac expansion during diastolic filling of the heart; and
  - (b) said jacket being sized to be applied over a pericardium of the heart.
29. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket comprises an elastic material.
30. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

31. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket comprises an open cell construction.
32. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket at least partially includes a shape-memory material.
33. (NEW) An apparatus according to claim 28 wherein:
- (a) said cone-shape jacket is adapted to circumferentially surround a heart; and
  - (b) said jacket moves with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.
34. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket has a compliance lower than a compliance of a wall of the heart.
35. (NEW) An apparatus according to claim 28 wherein:
- (a) said jacket includes a band around the heart.